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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bryan Spiess, et al.
Serial No. : 10/068,243
Filed : February 6, 2002 Group Art Unit: 3726
For : CONVEYOR ROLLER Examiner: M. Jimenez
Docket No. : A 490-003-PAT

Commissioner of Patents and Trademarks
Washington, D. C. 20231

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TECHNOLOGY CENTER R3700

PETITION TO SUSPEND RULES

Applicant had prepared a reply memorandum, which may be filed as a matter of right if sent into USPTO on or before May 8, 2004. Extensions of time are permitted only if the request for extension was submitted prior to May 8, 2004. MPEP 1208.03. On Friday, June 4, 2004, late in the day it was discovered that the reply memorandum was not timely filed nor was a request for extension timely filed. This petition seeks acceptance of the attached reply memorandum for the purposes and reasons stated below. Authorization is hereby granted to charge any fees or deposit any overpayments to **deposit account 50-1143**.

The reply memorandum should be considered for the following primary reasons:

- 1) The reply memorandum simplifies and consolidates the issues, making the decision work more exacting.
- 2) The reply memorandum completes the record.
- 3) The reply memorandum makes clear an issue that is discussed, but not clear in the prior briefs.

It is fully believed that this memorandum would be of value to the Board in rendering its decision.


The delay was largely unavoidable. Counsel, the undersigned, was flat on his back for a period of two weeks, and had very limited mobility for an additional week across the time when either the brief or a request for extension was due. Counsel, a solo practitioner¹, had gout in the left foot, which precluded standing at all and sitting for more than a few minutes, both of which caused painful swelling. Gout is a crystallization of body acids in the joints. The crystals rub like sandpaper and is known, as it was in this case, to be of excruciating pain.

Counsel understands that the ethics rules require all statements to be truthful and that the factual content of this document will be treated as a statement under oath. Accordingly, by signing below, counsel swears to the truth of all factual statements

¹ William C. Flynn, attorney., is also listed as being on this case. Mr. Flynn was terminated on June 3, 2002 and has no realistic access to the file.

made herein. **Counsel requests a telephone call to (763) 560-0294** for any information that is desired to complete the record on this petition and granting thereof.

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